Quarterly Report

OF THE

ATTORNEY GENERAL

OF

ALABAMA

FOR THE PERIOD

FROM APRIL 1, 1980
THROUGH JUNE 30, 1980

CHARLES A. GRADDICK, Attorney General

VOLUME 179

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QUARTERLY REPORT

of the

ATTORNEY GENERAL

of

ALABAMA

For the Period

From April 1, 1980

Through June 30, 1980

TO THE STATE, COUNTY, AND MUNICIPAL OFFICERS OF ALABAMA:

This Quarterly Report of the Attorney General of Alabama, which includes all official opinions rendered by the Attorney General from April 1, 1980, through June 30, 1980, is published in compliance with the provisions of Section 36-15-1, **Code of Alabama 1975.**

Under this section of the **Code,** I am required to send seven copies of this Quarterly Report to each judge of probate in the State, and the judge of probate, in turn, is required to deliver one copy each to the clerk of the circuit court, the sheriff, the tax collector, the tax assessor, the county superintendent of education, and the deputy district attorney of his county. The section also requires that I send a copy of this report to each district attorney and the chief executive officer of each incorporated municipality in the State.

The Office of the Attorney General is anxious to render prompt and efficient service to the state, county, and municipal officials. If you have any suggestions to make regarding the improvement of the service, I shall be glad to hear from you.

Sincerely,

CHARLES A. GRADDICK

Attorney General

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Only governing body has authority to zone or rezone. 22

April 8, 1980

Honorable R. J. Stembridge
Judge of Probate
The County of Houston
P. O. Box 6406
Dothan, Alabama 36302

Judges of Probate—Filing Fees—Social and Literary Clubs

Judge of Probate to receive same compensation for filing certificate involving corporation organized under **Code of Alabama 1975,** §10-4-300 (Social and Literary Clubs) which is formed for nonpecuniary purpose, as he would receive for nonprofit corporations under **Code of Alabama 1975,** §10-3-9.

Dear Judge Stembridge:

You have requested an opinion regarding the collection of the proper compensation by probate judges for a corporation filed under **Code of Alabama 1975,** §10-4-300, **et seq.,** referring specifically to a Certificate of Incorporation filed with your office pursuant to said statute which contains therein a statement that it is formed for nonpecuniary purposes.

Code of Alabama 1975, §§10-4-300 through 307, set out the manner in which social or literary clubs may become incorporated. In Section 10-4-32(b), it states:

> The judge of probate for such recording and other services in, and about, the organization of such corporation under this article shall be entitled to the same compensation he receives for similar services under existing laws, and he may charge the usual recording fees for recording the declaration, constitution and the by-laws."

This provision would clearly refer us to the appropriate filing fee schedule for private corporations generally. But as Your Honor has noted in his letter of request, there is a different filing fee schedule for nonprofit corporations (§10-3-9) as opposed to private corporations in general (§12-19-90).

Clearly, §10-4-302(a) anticipates the incorporation of a social club or literary society for either pecuniary or nonpecuniary purposes. Therefore, it is my opinion that the compensation received by the probate judge under §10-4-302(b) should be the same as for a business corporation if the declaration required in subsection (a) states that the club or society is formed for pecuniary purposes; and conversely,

the compensation shall be the same as for a nonprofit corporation if the declaration states a nonpecuniary purpose.

Sincerely,

CHARLES A. GRADDICK
Attorney General

April 16, 1980

Honorable Ryan deGraffenreid, Jr.
State Senator, 16th District
P. O. Box 2427
Tuscaloosa, Alabama 35401
Colleges and Universities—Competitive Bid Law—Contracts

State colleges and universities may solicit and accept bids from cooperatives as well as private businesses, provided provisions of Competitive Bid Law are complied with.

Dear Senator deGraffenreid:

I have received your letter of March 25, 1980, in which you request an Attorney General's advisory opinion as to whether state colleges and universities, which request bids from and place business with buying cooperatives such as Educational and Institutional Cooperative, are in compliance with the State competitive bid law.

The Competitive Bid Law, codified as **Code of Alabama 1975,** §41-16-20, et seq., requires, generally, that all contracts involving $500 or more made by or on behalf of any state agency be let by free and open competitive bidding. State colleges and universities fall within the purview of the competitive bid law and are subject to its provisions.

There are no provisions of the law which would prohibit any institution from buying from a cooperative rather than a private business. The legislative intent in passing the Competitive Bid Law was to get the best quality equipment at the lowest possible price, and executive authorities should carry out the intent of the Legislature. **White v. McDonald Ford Tractor Co.,** 287 Ala. 77, 248 So. 2d 121 (1971). If an educational institution buys merchandise through a cooperative at a lesser price than comparable merchandise could be purchased from local merchants, then the legislative intent in passing this Act is fulfilled.

The institutions must still, of course, comply with provisions of the Competitive Bid Law, including those relating to advertisement of bids, solicitation of bids, etc.

I hope this answers your questions. If I or this office can be of further assistance, please call on us.

Sincerely,

CHARLES A. GRADDICK
Attorney General

April 16, 1980

Honorable Betty Jo Watkins
Tuscaloosa County Board of Registrars
Tuscaloosa County Courthouse
Tuscaloosa, Alabama 35401

Registrars, Board of—Elections—Maiden Names

A county board of registrars may not properly register a married female applicant under her maiden name unless she has legally had her name changed back to her maiden name.

Opinion by Assistant Attorney General Breland

Dear Ms. Watkins:

This is in response to your request for an opinion from this office of February 25, 1980, in which you ask the following question:

> "I would like to request an opinion of your office as to whether a County Board of Registrars may properly register a married female applicant using her maiden name rather than her husband's surname:"

In answer to your question, it is my opinion that a woman may not properly be registered under her maiden name if she simply "uses" or goes by her maiden name. The purpose of the board of registrars is to register a person under the name which would make them most easily identifiable. This purpose can best be accomplished by registering any person under his or her legal name. However, if a married woman has had her name legally changed to her maiden name, she may be registered under that name.

As you note in your letter, the federal court decision of **Forbush v. Wallace**, (1971 D.C. Ala.), 341 F. Supp. 217, affirmed without opinion, 405 U.S. 970, 31 L. Ed. 2d 246, held that a married woman could not obtain a driver's license under her maiden name, unless after her marriage she had legally had her name changed back to her maiden name. The **Forbush** decision was based on a regulation promulgated by the Department of Public Safety, which requires that each driver obtain his driver's license in his "legal name." Of course, old Alabama com-

mon law cases hold that upon marriage the wife, by operation of law, takes the husband's surname. Thus, she would need to go through legal proceedings to retain her maiden name.

The board of registrars has the same objective as the Department of Public Safety in seeing that persons are properly identified. In reaching this objective, a reasonable policy is to register any person under whatever name is his or her legal name.

Sincerely,

CHARLES A. GRADDICK
Attorney General

May 9, 1980

Honorable B. C. Hornady
Mayor, City of Monroeville
P. O. Box 147
Monroeville, Alabama 36460

Municipalities—Municipal Courts—Misdemeanors

Jurisdiction of municipal courts discussed.

Opinion by Assistant Attorney General Smith

Dear Mayor Hornady:

The Office of the Attorney General has received the opinion request which presents the following facts:

> Citizens of the City of Monroeville have attempted to file criminal charges against other citizens in the Municipal Court of the City of Monroeville for offenses which, under the Alabama Criminal Code, would constitute Class A and/or B Misdemeanors.
>
> The Municipal Judge for the City of Monroeville hesitates, for possible jurisdictional and other reasons, to allow the Municipal Magistrates to accept complaints for offenses which would constitute Class A and/or B Misdemeanors.
>
> The City of Monroeville has adopted an ordinance suggested by the Alabama League of Municipalities which incorporates all State Misdemeanors as offenses against the City of Monroeville. That ordinance is attached to this Certificate of Facts and Questions as Exhibit A and incorporated herewith.

Your first question is whether municipal courts have jurisdiction

over violations of municipal ordinances when those ordinances have adopted Class A and/or B state misdemeanors as offenses against the municipality.

For many years, cities have, by enacting reference ordinances made violations of state misdemeanor statutes within the corporate limits and police jurisdiction of the municipality offenses against the municipality. **State v. Town of Springville,** 220 Ala. 286, 125 So. 387 (1929). Of course, the municipal court may impose punishment only within the limits set forth in **Code of Alabama 1975,** § 11-45-9.

Code of Alabama 1975, § 12-14-1 provides that municipal courts shall have concurrent jurisdiction with the district court of all acts constituting violations of state misdemeanors committed within the police jurisdiction of the municipality which may be prosecuted as breaches of municipal ordinances. However, **Code of Alabama 1975,** § 12-12-32, which defines criminal jurisdiction generally, indicates that neither the district court nor the municipal court should undertake any prosecution "which also involves a felony offense which is within the exclusive jurisdiction of the circuit court".

It is, therefore, the opinion of this office that municipal courts do have jurisdiction over violations of municipal ordinances when those ordinances have adopted Class A and/or B state misdemeanors as offenses against the municipality. However, it is the further opinion of this office that the language of Section 12-12-32 indicates that where there is a possibility that the prosecution could involve a felony offense the person should be charged with a state offense rather than with violation of a municipal ordinance.

Although it is impossible to set forth a complete list of misdemeanors for which a defendant should not be charged with violation of a municipal ordinance, no charge of violating a municipal ordinance should be made for the following offenses as defined in the Criminal Code: criminally negligent homicide; sexual abuse in the second degree; arson in the third degree; forgery in the third degree; and, criminal possession of forged instrument in the third degree. Again, this list is not an exclusive one, but a guide to be used as each offense is judged on an individual basis with due regard to the particular facts surrounding the act committed. It should be noted that all enumerated offenses are so closely tied to higher degrees of the offense that reference to the elements of the other offenses would be necessary in order to determine with which degree of the offense the violator should be charged. In addition, a person being tried on a charge of criminally negligent homicide is entitled to a jury.

Your second question is:

> 2. Regardless of the answer to Question one (1), does a Municipal Magistrate have the authority to take complaints and issue warrants for offenses under the

Alabama Criminal Code, which offenses constitute Class A and/or B Misdemeanors.

A municipal magistrate can only issue arrest warrants for violations of municipal ordinances. **Code of Alabama 1975,** § 12-14-51 and Rule 18 of the Rules of Judicial Administration. It may be that some violations of municipal ordinances are in fact Class A and B misdemeanors which have been adopted by reference as violations of municipal ordinances, but the municipal magistrate can issue arrest warrants only for violations of municipal ordinances. The municipal magistrate, unlike the municipal judge, has no authority to issue arrest warrants for state offenses which are to be prosecuted as state offenses in other courts. Municipal magistrates may not issue search warrants.

The third question presented reads as follows:

> 3. Regardless of the answer to Question one (1), **must** the City, in view of Section 12-14-1(c) prosecute a misdemeanor charge as a violation of City Ordinance (Exhibit A) or can the City bring said misdemeanor charge in Municipal Court as the violation of a specific state statute?

In view of the provisions of **Constitution of Alabama 1901,** Amendment 328, § 6.065, which limits the jurisdiction of municipal courts to cases arising under municipal ordinances as prescribed by law, it is the opinion of this office that the City may not bring a misdemeanor charge in Municipal Court as the violation of a specific state statute.

I do hope that this response fully answers your inquiries. If not, however, please do not hesitate to contact us.

Sincerely,

CHARLES A. GRADDICK
Attorney General

May 22, 1980

Honorable William W. Rayburn
District Attorney
Office of the District Attorney
Etowah County Courthouse
Gadsden, Alabama 35901

Courts—Grand Juries

Grand Jury may recess subject to call of court.

Opinion by Assistant Attorney General Solomon.

Dear Mr. Rayburn:

We are in receipt of your request for an opinion from this office as follows:

> "This is in reference to our telephone conversation on the 11th of April concerning the drawing, empaneling and use of the Grand Jury in Etowah County. Past procedures have been that the Grand Jury has been selected and utilized during the same week civil juries have been in session. We feel that we could more effectively utilize space and personnel requirements if the Grand Jury could be drawn and empanelled as presently done during the same week civil juries are in session, but recessed until a later specified time to begin consideration of pending criminal charges. We have examined laws concerning Grand Jury procedures and find no restrictions as to this latter solution.
>
> "We request that you issue an opinion as to whether or not these procedures would violate any state law."

The statutes do not provide a clear cut answer to this question. However, the Supreme Court in **Riley v. State,** 209 Ala. 505, 96 So. 599 (1923) stated in citing **Caldwell v. State,** 203 Ala. 412, 415, 84 So. 272, declared:

> "The grand juries so impaneled are such 'for that term of the court' unless dissolved by order of the court. A grand jury, being a part of the court, can only be dissolved by operation of law or by order of the court served by it. . . . A grand jury once regularly impaneled is, nothing to the contrary being shown, presumed to continue until dissolved by operation of law or order of the court."

The court in the **Caldwell** case, supra was construing a statute identical to Section 12-16-190, **Code of Alabama 1975.**

It is therefore the opinion of this office that once a grand jury is impaneled it could be recessed until a later time to hear pending criminal cases. Once impaneled the grand jury may be dissolved only by operation of law or by order of the court. Your inquiry is answered in the negative.

Sincerely yours,

CHARLES A. GRADDICK
Attorney General

May 23, 1980

Honorable Derrell R. Hann
Tax Assessor, Talladega County
P. O. Drawer 715
Talladega, Alabama 35160

Taxation—Ad Valorem—Exemption—Principal Residence
Act 48, Legislature of Alabama 1978, exempts the principal residence of the owner and the curtilage surrounding the principal residence.

Act 48, Legislature of Alabama 1978, does not exempt vacant lots.

Dear Mr. Hann:

In your letter of March 18, 1980 addressed to the Attorney General of Alabama you make the following statement and pose the following question:

> "I understand that Section Two of Act 48 exempts a single family residence occupied by the owner thereof.
> "My question is: Does Act 48 exempt any land (lots)? If so, how much."

Your requests have been effectively answered in an opinion of the Attorney General addressed to Honorable Ralph P. Eagerton, Jr., Commissioner of Revenue, dated January 25, 1979. The opinion deals with the concept of curtilage of the principal residence. The following statement is made concerning what is construed to be curtilage and, therefore, what is exempt as land within the meaning of the term curtilage. The opinion states, in part, as follows:

> "The exemption applies to the curtilage of the principal residence of the claimant. The curtilage is ordinarily construed to include the yard and supporting outbuildings such as barns, cribs and the like. (Ballantines Law Dictionary, Third Edition, p. 300). Another, separate residence on the same property such as a housetrailer would not be included within the curtilage and thus the homestead exemption would not apply to it."

The opinion likewise deals with lots, "vacant lots." The opinion states, in part, as follows:

> "Q. 18. Are apartment buildings, vacant lots, and rental property Class II property?
>
> "A. Yes. Class I property is property belonging to a utility and used in the business of the utility, Class III property is agricultural, forest and single-family owner-occupied residential property and historic buildings and

sites. Apartments, **vacant lots** and rental property are not 'used in the business of a utility,' nor are they agricultural or forest property, nor single-family dwellings. If such property were property certified as an 'historic building or site' it would be Class III."

I feel that your request has been adequately answered, but if not, please make additional inquiries.

Yours sincerely,

CHARLES A. GRADDICK
Attorney General

June 11, 1980

Honorable R. J. Stembridge
Judge of Probate, Houston County
P. O. Box 6406
Dothan, Alabama 36302

Filing Tax—Deeds—Mortgages—Bond for Title—Judges of Probate

In recording a Bond for Title contract, deed and mortgage tax should be collected based upon the situation existing when the Bond for Title contract is executed, not when it is recorded.

Dear Judge Stembridge:

Reference is made to your letter of May 22, 1980, in which you request the opinion of this office regarding the application of mortgage and deed tax to an instrument, a copy of which was attached to your letter.

The instrument in question is a Bond for Title contract between W. G. Hardwick and W. G. Hause, parties of the first part, and Billy Joe Reeves, party of the second part, dated January 15, 1979, and reciting that the total consideration is $60,000.00 of which $18,000.00 was paid as a down payment and $42,000.00 was the deferred balance. This instrument was not recorded and on January 4, 1980, it was amended to delete W. G. Hause as a party of the first part, he having sold his interest to W. G. Hardwick. The amendment also showed that $20,200.00 had been paid between the time of execution of the original Bond for Title contract and the amendment thereof.

It is my opinion that tax should be based upon the situation which existed at the time of the execution of the original Bond for Title contract and that you must collect deed tax on $18,000.00 and mortgage

tax on $42,000.00. See Quarterly Report of the Attorney General, Vol. 14, p. 183.

If I can be of further service to you, please advise.

Sincerely,

CHARLES A. GRADDICK
Attorney General

June 11, 1980

Mrs. Freda P. Roberts, Tax Collector
Mobile County
P. O. Box 1742
Mobile, Alabama 36601

Tax Collectors—Ad valorem taxes

Tax Collector may add costs of mailing required by Act No. 331, 1980 Legislative Session to tax bill for subject property.

Dear Mrs. Roberts:

In your request for an opinion dated May 7, 1980, you enclose a copy of House Bill 525 of the 1980 Session of the Alabama Legislature. You state that it is your understanding that this Bill has become law. You are correct in this statement. Said Bill was signed by the Governor on May 6, 1980, as Act No. 331. Said Act provides that at least 30 days prior to the sale of land upon which taxes have not been paid, the Tax Collector of Mobile County shall give notice in writing of the proposed sale by registered mail at the last known address of the owner. You ask whether pursuant to §40-5-8, **Code of Alabama 1975,** you may collect the cost of mailing required under Act No. 331 by adding the same to the tax bill for the property relating to the mailing. You further ask what expenses may be included in the cost of mailing.

It appears that Act No. 331 simply extends with respect to the tax collector of Mobile County the duties required of all tax collectors in the State under §40-10-12, **Code of Alabama 1975,** by requiring the tax collector in Mobile County to give notice in writing of proposed sales by registered mail in addition to the notice given in the newspapers pursuant to §40-10-12. Section 40-5-8, **Code of Alabama 1975,** provides that:

> "If the taxes are paid after they become delinquent, the taxpayer shall pay all costs, fees and charges, if any, that may at the time of payment have lawfully accrued."

The question to be resolved therefore is whether the costs of mail-

ing required by Act No. 331 have lawfully accrued so as to enable the tax collector to charge the same to the taxpayer. In view of the fact that the notices by registered mail are required by law, it is obvious that the costs of said notices are lawfully incurred. Therefore, it is my opinion that you may collect the cost of mailing the registered mail required under Act No. 331 by adding same to the tax bill for said property.

The expenses which you may include in the cost of mailing are the cost of postage and supplies. You may not charge a handling fee or any other type of fee with respect to the time and effort expended by you or the personnel in your office with respect to the mailing of said notices. Such work is part of your duties as tax collector for which you are paid. The Legislature in placing duties upon the tax collector has at times granted a fee to the tax collector for performing certain services. For example, §40-10-27, governs the fees which may be paid to the tax collector for giving notice by certified or registered mail to delinquent property owners to show cause why a decree of sale should not be rendered. Sections 40-10-2, 40-10-11, 40-10-15, and 40-10-28 refer to fees, costs, charges, and expenses as well as to taxes. The fees provided by §40-10-27 are evidently intended to compensate the tax collector for the time and effort expended in giving the notices required by §40-10-4, and are not related to the costs incurred in mailing said notice. It is therefore my opinion that the Legislature would have provided a fee for the tax collector for performing this service had it intended that the time and effort of the tax collector should be charged to the taxpayer.

Sincerely,

CHARLES A. GRADDICK
Attorney General

June 11. 1980

Honorable Don Siegelman
Secretary of State
State Capitol
Montgomery, Alabama 36130

Elections—Voting—Voter Rights

Under Alabama law children under the age of 18 can accompany parents into voting booth.

Dear Mr. Siegelman:

Reference is made to your request for an opinion from the Attorney General as to whether Alabama law allows parents to bring children under the age of eighteen into the voting booth with them,

not for the purpose of "assisting" them in casting their ballot but for educational purposes only.

Your question is to be answered in the affirmative.

In **Code of Alabama 1975,** Section 17-8-29 we find the provision that "No elector shall be allowed to occupy a booth or compartment already occupied by another, nor speak or converse with anyone except as herein provided while in the polling place." This Section only prohibits another elector from occupying a voting booth or compartment already occupied by a voter. It does not prohibit those individuals who are not electors, such as children or persons under eighteen (18) years of age, from going into a booth with an elector.

Section 17-8-29 quoted above was enacted to prevent fraud and corruption in the voting process. It was not the purpose of the statute to discourage mothers with small children from voting because they could not take the children to the polling place or in the booth with them. It is also not the purpose of the statute to prevent older children from learning the voting process by going into the booth with parents to learn the correct method of voting.

Upon considering the above law, the Attorney General is of the opinion that the correct and logical interpretation of this law would not prohibit children under the age of eighteen from accompanying their parents into the voting booth.

However, it should be noted that there are other opportunities for children to learn the voting process. There may be demonstrations in the classrooms where a voting official or other knowledgeable person gives a lecture on how voting for elected officials is done and there may be field trips to the place where the voting machines are set up to learn how voting takes place.

I hope that I have sufficiently answered your question.

If our office can be of further assistance, please do not hesitate to call on us.

Sincerely,

CHARLES A. GRADDICK
Attorney General

June 11, 1980

Honorable David T. Hyde, Jr.
Attorney, City of Evergreen
P. O. Box 605
Evergreen, Alabama 36401

Municipalities—Zoning—City of Evergreen

Only governing body has authority to zone or rezone.

Dear Mr. Hyde:

This office has received the opinion request submitted on behalf of the City of Evergreen. Your request notes that the Evergreen City Council rezoned property from residential use to a limited commercial use. The matter was then taken before the Board of Adjustment which overturned the rezoning decision made by the City Council. You ask if the Board of Adjustment can reverse a rezoning decision made by the City Council. Your question is to be answered in the negative.

Only the governing body of a municipality may enact zoning ordinances. See enclosed copy of opinion to Honorable G. William Noble, Mayor of Gardendale, under date of February 7, 1980, and **Code of Alabama 1975,** §§11-52-70 through 11-52-84.

The powers which are granted to a Board of Zoning Adjustment when established are set forth in **Code of Alabama 1975,** §11-52-80(d) and include the authority to grant variances from the terms of zoning ordinances. However, the Board has no authority to zone or to rezone. Therefore, based upon the facts presented in your request it is the opinion of this office that the authority to rezone lies with the governing body and the Board of Adjustment has only those powers conferred by **Code of Alabama 1975,** §11-52-80.

I do hope that this response fully answers your inquiry. If, however, we may be of further assistance, please do not hesitate to contact us.

Sincerely yours,

CHARLES A. GRADDICK
Attorney General

* * * * * * * *

February 7, 1980

Honorable G. William Noble, Mayor
City of Gardendale
P. O. Box 38
Gardendale, Alabama 35071

Municipalities — Planning and Zoning Commission — Regulations

Only governing body may pass zoning ordinances.

Opinion by Assistant Attorney General Carol Jean Smith

Dear Mayor Noble:

This office has received the opinion request of the City of Gardendale. Your first question is:

> "May the planning and Zoning Commission, or a sub-committee thereof of the City of Gardendale regulate the type of construction, location, and appearance of metal constructed buildings within the City even though the said metal constructed buildings conform with the Building Code in all other respects?"

This question must be answered in the negative. The Planning and Zoning Commision must, of course, adopt a master plan and a zoning plan. **Code of Alabama 1975,** §11-52-8, and the zoning plan must be submitted to the governing body of the municipality before action can be taken. However, only the governing body of the municipality may enact zoning ordinances and it need not follow the recommendation presented. **Code of Alabama 1975,** §11-52-79. It is clear that the nature of the regulation to which you refer is "zoning" rather than "planning" and that such regulation could only be the result of a zoning ordinance enacted by the governing body. See **Roberson v. City of Montgomery,** 285 Ala. 421, 233 So.2d 69 (1970).

Thus, it is necessary to answer your second question which is whether the City Council may, through a properly adopted ordinance, regulate the construction, location and appearance of metal constructed buildings within the City in all zoning districts. This inquiry may be generally answered in the affirmative. In availing itself of the power to zone, the governing body of the municipality has not only the power to regulate location by the establishment of zoning districts, but to the extent provided in **Code of Alabama 1975,** §§ 11-52-72 and 11-53-73 may regulate the construction and appearance of buildings within those districts. It must be noted, however, that under **Code of Alabama 1975,** §11-52-71 all regulations shall be uniform for each class or kind of buildings throughout the district, but the regulations in any one district may differ from those in other districts.

I do hope that this response fully answers your inquiry. If, however, we may be of further assistance, please do not hesitate to contact us.

Sincerely yours,

CHARLES A. GRADDICK
Attorney General

June 18, 1980

Honorable John L. Napier
Revenue Commissioner, Houston County
P. O. Box 6406
Dothan, Alabama 36302

Exemptions—Ad Valorem Taxes

Property which is used exclusively as a school or for charitable purposes is exempt from ad valorem taxation regardless of ownership.

Dear Mr. Napier:

In your requests for opinions dated May 20, 1980, you ask whether the exemption from taxation provided by §40-9-1(1), **Code of Alabama 1975,** applies to Riley Business College and Moore's Child Care Center, Inc. You state that the property comprising Riley Business College is owned by an individual and leased to the college. You further state that the property on which Moore's Child Care Center, Inc. is located is deeded to individuals Charles W. Moore and Margaret R. Moore and not to the corporation. The articles of incorporation of the child care center provide in Article 3 that the objects and purposes of the corporation are to be limited to charitable, scientific, literary, civic, social, benevolent, educational, cultural or athletic purposes for the benefit of the people of the State of Alabama and primarily Houston County. Said articles further provide that all property of the corporation shall be dedicated to the charitable, educational, research and nonprofit purposes hereinabove set forth and upon liquidation or dissolution no part of said property shall inure to the benefit of any private person but shall be distributed in the manner provided by Sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1954 and by Section 243 of Title 10 of the Code of Alabama as recompiled in 1958. Said corporation has been exempted from federal income tax under Section 501(c)(3) of the Internal Revenue Code.

Section 40-9-1(1), **Code of Alabama 1975,** grants an exemption from ad valorem taxation to "all property, real and personal, used exclusively for religious worship, for schools or purposes purely charitable". Assuming that the property of Riley Business College is used exclusively for school purposes and that the property of Moore's Child Care Center, Inc. is used exclusively for charitable purposes, which appears to be the case, said property would be exempt from taxation under §40-9-1(1) regardless of who owns it or whether or not it is being leased. The use of the property and not the ownership thereof determines whether or not said property qualifies for the exemption contained in §40-9-1(1). **State v. Church of the Advent,** 208 Ala. 632, 95 So. 3 (1923); **Anniston City Land Company v. State,** 160 Ala. 253, 48 So. 659 (1909). See also an unreported opinion of this office addressed to Wayland Cooley, Tax Assessor of Madison County, dated January 9, 1979, for a thorough discussion of this matter.

Sincerely,

CHARLES A. GRADDICK
Attorney General

June 30, 1980

Honorable H. B. Wise
Probate Judge of Geneva County
Geneva County Courthouse
Geneva, Alabama 36340

Highways, Roads and Bridges—Counties—Funds

County may sell and issue warrants to obtain funds for resurfacing, restoration, and rehabilitation of county highways with the warrants being in anticipation of and payable solely out of the county's share of the tax receipts from Act No. 80-427.

Opinion by Assistant Attorney General Solomon.

Dear Judge Wise:

We have received your request for an opinion asking if the county may sell and issue $490,000 of interest bearing warrants of the county pursuant to Section 11-11-3, **Code of Alabama 1975** in anticipation of and payable solely out of Geneva County's portion of the revenue from the new 4 cent gas tax (Act 80-427) if the funds from said sale are used to resurface county highways.

Act No. 80-427 was enacted during the 1980 Regular Session of the Legislature and imposed a 4 cent per gallon tax on gasoline, motor fuel, and lubricating oil. After payment of the costs of administration and enforcement is deducted, 45% of the balance remaining is allocated to the State Highway Department and 55% is allocated to the counties and municipalities of this state.

With regard to the counties portion of the tax receipts, Section 5(b)(2) of Act No. 80-427 states:

> "(2) Where the use is by a county, such use shall be for the resurfacing, restoration, and rehabilitation of the paved county roads and bridges or bridge replacement on the county road system. Such funds shall not be used for new construction unless 90% of the county's paved road system has achieved a grade of 85% based on the State of Alabama Highway Department's Annual Maintenance Report of County Roads and Bridges. These funds shall not be used for the purchase of equipment. The net tax proceeds distributed to the county shall not be commingled with other funds of the county, including any other gasoline tax revenues, and shall be kept and disbursed by such county from a special fund only for the purposes hereinabove provided."

There is a requirement imposed by this section that the funds be used for resurfacing, restoration, and rehabilitation of the county

road system and none of these funds may be used for new construction unless 90% of the county's paved road system achieved a grade of 85% based on the Highway Department's Annual Maintenance Report. The funds may not be used to purchase equipment.

Section 11-11-3, **Code of Alabama 1975,** authorizes the county to sell and issue interest bearing warrants of the county in anticipation of and payable solely out of that portion of the highway gasoline tax levied by Section 40-17-31, **Code of Alabama 1975,** which is required by law to be distributed to the county.

It is questionable, however, whether this section may be utilized to sell and issue tax anticipation warrants backed by the tax levied by Act No. 80-427. However, Section 23-1-80, **Code of Alabama 1975,** which confers upon the county commission of the counties of this state general superintendence of the roads and bridges of their respective counties, has been construed by the Supreme Court to empower the counties of the state to finance road construction by the issuance of interest bearing revenue warrants to be secured by and payable out of the revenue of a license tax without special legislation. See **Rollings v. Marshall County,** 263 Ala. 317, 82 So. 2d 428 (1955).

It is my opinion that the county may utilize the power conferred on them through Section 23-1-80 to sell and issue interest bearing warrants in anticipation of and payable solely out of the tax proceeds derived from Act No. 80-427 which are distributed to the county. The expenditure of the proceeds from the sale of warrants is restricted to the same purposes for which tax funds themselves could be expended. Thus the proceeds from the sale of warrants should be used for resurfacing, restoration, and rehabilitation and could not be used for any other purpose except for new construction and then for new construction only when 90% of the county's road system is graded 85% based on the Highway Department's Annual Maintenance Report on county roads and bridges. Such funds may not be used for the purchase of equipment.

Your question is therefore answered in the affirmative. The opinion issued to you on May 30, 1980, is modified to the extent that the authority in this instance for the sale and issuance of interest bearing tax anticipation warrants is found in Section 23-1-80 rather than Section 11-11-3.

If we can be of any further assistance, please contact me.

Sincerely yours,

CHARLES A. GRADDICK
Attorney General

INFORMAL OPINIONS

During the period April 1, 1980 through June 30, 1980, the Attorney General rendered the following informal opinions:

Subject	Addressee	Date	File
	— A —		
AD VALOREM TAXES			
Payment of delinquent tax on property acquired by state	McMillan Lane	4/16/80	80-00331
Residence Containing Business—Homestead Exemption	Marvin D. Driver	5/12/80	80-00364
Single Building—Only One Classification—Ad Valorem Tax	C. D. Covington	5/14/80	80-00370
State Fair Property—Exempt—Ad Valorem Taxes	Ken Malone	5/22/80	80-00374
Sales Tax—County Commission—Does Not Divest School Board Authority to Levy Ad Valorem Tax	I. Drayton Pruitt, Jr.	5/22/80	80-00379
Ad Valorem Tax—Exemption—Eleemosynary Entity	James E. Witherington	5/22/80	80-00380
Ad Valorem Taxes Paid in County Where Property Located. Voter May Register Only in County of Residence	James E. Witherington	6/11/80	80-00390
Purchaser in Possession of Land Under Executory Contract is Owner of Land For Purpose of Taxation	Sara Sharpe	6/11/80	80-00418

Tax Collectors—Ad Valorem—Reappraisal Program	Henry Rand	6/20/80	80-00429
ADMINISTRATIVE OFFICE OF COURTS Docket Fees Assessed—Appeal from Municipal to Circuit Court is Dismissed	Allen L. Tapley	6/11/80	80-00395
AGRICULTURE AND INDUSTRIES, DEPARTMENT OF Payment of Delinquent Taxes on Property Acquired by State	McMillan Lane	4/16/80	80-00331
APPEALS Docket Fees Assessed—Appeal from Municipal to Circuit Court Is Dismissed	Allen L. Tapley	6/11/80	80-00395
APPROPRIATIONS Out-of-State Travel for Employees of Ala. Institute for Deaf and Blind—Authorized by Its President	Jack Hawkins, Jr.	6/11/80	80-00389
ARMORY COMMISSION Armory Commission—Finance Construction of Armories	Henry H. Cobb, Jr.	6/11/80	80-00409
ASSESSMENTS Purchaser in Possession of Land Under Executory Contract is Owner of Land For Purpose of Taxation	Sara Sharpe	6/11/80	80-00418
AUDIOLOGISTS Board of Examiners for Speech Pathology & Audiology—Licenses—Audiologists	Gerald L. Culton	5/ 8/80	80-00344

Subject	Addressee	Date	File
AUTOPSY			
Coroners—Investigations—Autopsy	Lesley Vance	4/ 8/80	80-00325
	— B —		
BAILIFFS			
District Court Bailiffs May Receive Expense Allowance	James G. Lee	6/11/80	80-00393
BALDWIN COUNTY			
Baldwin County Treasurer—Pay Raises—Sheriff's Dept. Employees	Neil Lauder	4/ 8/80	80-00328
BARBER EXAMINERS, BOARD OF			
Board of Barber Examiners—Sunset Law—Licenses	Reo Kirkland, Jr.	5/13/80	80-00371
BENEFICIARIES			
Pro Rata Payments Should Be Made for Final Month of Retirant's Life	William C. Walsh	5/ 8/80	80-00342
BIRMINGHAM, CITY OF			
City of Birmingham—Regulate Dancing—Private Clubs	Doug Cook	5/22/80	80-00373
BONDS			
Board of Corrections—Expend Bond Proceeds—Act 1230, Regular Session 1975	Sid McDonald	4/15/80	80-00334
	— C —		
CALHOUN COUNTY			
Calhoun County—CETA Employees—Not Civil Service System Employees	Jim T. Boyd	6/11/80	80-00394

CHARITABLE ORGANIZATIONS			
Ad Valorem Tax—Exemption—Eleemosynary Entity	James E. Witherington	5/22/80	80-00380
CHILTON COUNTY			
County Hospital Board—Lease Nursing Home Facility to Private Individual	Morgan Reynolds	6/ 9/80	80-00386
CIRCUIT CLERKS			
Judicial Article—Circuit Clerks—Expense Allowance	Gerald D. Parker	5/ 8/80	80-00354
Circuit Clerks—Notify Defendants—Attend Court Proceedings	Parker Worthington	6/11/80	80-00415
CLUBS			
City of Birmingham—Regulate Dancing—Private Clubs	Doug Cook	5/22/80	80-00373
COLBERT COUNTY			
Colbert County—Accept Property for County Road System—Common Law Dedication	Bruce Gargis	5/19/80	80-00376
COLLEGES AND UNIVERSITIES			
Out-of-State Travel for Employees of Ala. Institute for Deaf and Blind—Authorized by Its President	Jack Hawkins, Jr.	6/11/80	80-00389
COMMITMENT			
Release of Prison Inmate Committed to Dept. of Mental Health	R. G. Britton	4/16/80	80-00333
COMPENSATION			
Payment Prohibited to Mayor and Council—Time Lost from Employment Attending Court Hearings	Clarence F. Rhea	4/ 8/80	80-00318

Subject	Addressee	Date	File
Shelby County Personnel Board—Law Enforcement Employees—Act 79-524	Thomas A. Snowden, Jr.	4/ 8/80	80-00319
Baldwin County Treasurer—Pay Raises—Sheriff's Dept. Employees	Neil Lauder	4/ 8/80	80-00328
Conditional Salary Increase of 7%—Applicable to Severance Benefits	Ryan DeGraffenried, Jr.	4/18/80	80-00337
COMPETITIVE BID LAW			
Competitive Bid—Contract—Janitorial Services	Brady Baccus	6/11/80	80-00392
Contract Between Utility Board and Private Developer Discussed	S. Wayne Fuller	6/11/80	80-00402
Highway Department—Minorities—Contracts—Bid Law	Rex K. Rainer	6/11/80	80-00410
COMPETITIVE SALES			
Sale of County Property—Proceeds Deposited Marion County General Fund	Brady Baccus	6/11/80	80-00401
COMPREHENSIVE EMPLOYMENT TRAINING ACT			
Calhoun County—Ceta Employees—Not Civil Service System Employees	Jim T. Boyd	6/11/80	80-00394
CONFLICTS OF INTEREST			
Municipalities—Utility Boards—Conflict of Interest	Gilbert R. Craft	4/ 1/80	80-00311
City Commissioner—Contract—Board of Education—Conflict of Interest	Wade H. Baxley	5/ 8/80	80-00346
County Commissioner may be Employed by Greene County Racing Commission	William M. Branch	5/ 8/80	80-00353

Jury Commissioner's Spouse Cannot Serve as Secretary of Commission	Robert R. Armstrong	5/ 8/80	80-00356
A Legislator may Become a State Employee While in Office	Earl Mitchell	5/ 8/80	80-00360
Sheriffs—Deputize Spouse of Deputy—Transport Female Prisoner	M. S. Butler	5/22/80	80-00378
Section 36-10-8, **Code of Alabama 1975,** Is Repealed	Tom F. Young	5/22/80	80-00382
Municipal Planning Commission Member—Candidate for City Council	Earl Goodwin	6/11/80	80-00405
City May Not Contract with Insurance Agency which Employs Councilmember as Manager	Murray C. Ballard	6/11/80	80-00407
Hospital Board—Lease of Real Property—Conflict of Interest	Homer W. Cornett	6/11/80	80-00408
CONSERVATION DEPARTMENT			
Conservation—Sale of Timber from School Lands on Negotiated Basis	Richard A. Forster	6/11/80	80-00397
State Parks—Funds—Emergency Funding Council	Richard A. Forster	6/19/80	80-00427
CONSTABLES			
Election—District Court Constable in Etowah County	Don Siegelman	6/11/80	80-00412
Peace Officers Standards and Training Act—Law Enforcement Position—Constable	James Jackson	6/11/80	80-00417
CONSTITUTION			
Amendment 255 Alabama Constitution Ineffective Until Voting Rights Act of 1965 Complied With	Carl C. Brakefield	6/11/80	80-00398

Subject	Addressee	Date	File
CONTEMPT			
Juveniles—Municipal Court—Contempt	R. C. Cheatham	4/16/80	80-00340
CONTRACTS			
Minimum Wages Under Public Works Contracts	Rex Rainer	6/10/80	80-00388
Competitive Bid—Contract—Janitorial Services	Brady Baccus	6/11/80	80-00392
Contract Between Utility Board and Private Developer Discussed	S. Wayne Fuller	6/11/80	80-00402
Highway Department—Minorities—Contracts—Bid Law	Rex K. Rainer	6/11/80	80-00410
CONTRIBUTIONS			
District Attorneys—Contribution—District Attorneys Association	Joseph M. Carlton, Jr.	5/ 8/80	80-00341
Expenditure of Municipal Funds for Numerous Purposes Discussed	M. G. Temme	5/ 8/80	80-00358
COOSA COUNTY			
Coosa County—Tax Collector—Probate Judge—Expense Allowance	Jasper Fielding	5/ 8/80	80-00352
Coosa County Commission Members May Receive Expense Allowance	Jasper Fielding	6/ 9/80	80-00385
CORONERS			
Coroners—Investigations—Autopsy	Lesley Vance	4/ 8/80	80-00325
Walker County Coroner—Duties and Responsibilities	Fred Burke	5/12/80	80-00366

CORPORATIONS			
Elections—Corporations—Corrupt Practices Act	Don Siegelman	6/30/80	80-00435
CORRECTIONS, DEPARTMENT OF			
Corrections—Inmates' Files—Public Records	R. G. Britton	4/ 8/80	80-00312
Prisoners—Confiscation of Currency	R. G. Britton	4/ 8/80	80-00313
Board of Corrections—Expend Bond Proceeds—Act 1230, Regular Session 1975	Sid McDonald	4/15/80	80-00334
Prisoners Committed to Mental Health Facility for Treatment Discussed	R. G. Britton	4/16/80	80-00332
Release of Prison Inmate Committed to Dept. of Mental Health	R. G. Britton	4/16/80	80-00333
Dept. of Corrections—Employees—Witness Fees	R. G. Britton	5/22/80	80-00372
Department of Corrections May Not Require Inmate to Use Prison as Return Address	R. G. Britton	6/ 9/80	80-00387
Dept. of Corrections Employees Not Entitled to Subsistence Allowance	R. G. Britton	6/11/80	80-00406
Release of Information from Inmates Files and Medical Records	R. G. Britton	6/12/80	80-00423
CORRUPT PRACTICES ACT			
Elections—Corporations—Corrupt Practices Act	Don Siegelman	6/30/80	80-00435
COSTS AND FEES			
Increase Court Costs—Tuscaloosa County—Renovate Courthouse	Ryan DeGraffenried, Jr.	4/ 8/80	80-00324

Subject	Addressee	Date	File
COUNTIES			
Baldwin County Treasurer—Pay Raises—Sheriff's Dept. Employees	Neil Lauder	4/ 8/80	80-00328
Cooperative—Authority to Prepare Plans for Rural Water Development	Rufus C. Huffman	5/ 8/80	80-00355
Sheriff's Vehicles—Repair Work Subject To County Purchasing Procedure	James Earl Johnson	5/ 8/80	80-00357
Colbert County—Accept Property for County Road System—Common Law Dedication	Bruce Gargis	5/19/80	80-00376
County—Issue Warrants—Repair Highways—Gasoline Tax	H. B. Wise	5/30/80	80-00384
Coosa County Commission Member May Receive Expense Allowance	Jasper Fielding	6/ 9/80	80-00385
County Hospital Board—Lease Nursing Home Facility to Private Individual	Morgan Reynolds	6/ 9/80	80-00386
Ad Valorem Taxes Paid in County Where Property Located. Voter May Register Only in County of Residence	James E. Witherington	6/11/80	80-00390
Competitive Bid—Contract—Janitorial Services	Brady Baccus	6/11/80	80-00392
Greene County—Assist in Reducing Flood Damages	William M. Branch	6/11/80	80-00396
COUNTY COMMISSIONS			
County Commissioner May Be Employed by Greene County Racing Commission	William M. Branch	5/ 8/80	80-00353
County Commission May Not Contribute Public Funds to Medical Clinic Board	Donnie Thomas	6/11/80	80-00399

COURTS

Destruction of Exhibits in Civil Cases—State Records Commission	S. A. Armistead	4/ 8/80	80-00329
City of Huntsville—Funding—Family Courts—Juvenile Detention	Charles H. Younger	4/ 8/80	80-00330
District Court Bailiffs May Receive Expense Allowance	James G. Lee	6/11/80	80-00393
Docket Fees Assessed—Appeal from Municipal to Circuit Court is Dismissed	Allen L. Tapley	6/11/80	80-00395
Circuit Clerks—Notify Defendants—Attend Court Proceedings	Parker Worthington	6/11/80	80-00415
District Attorneys—Courts—Nolle Prosequi	James D. Evans	6/19/80	80-00426
Twelve Month Residency Requirement—District Judges	James E. Farrior	6/30/80	80-00431
Courts—District Judges—Elections	Patricia M. Smith	6/30/80	80-00432

— D —

DEED TAX

Deed Tax—Transfer Property from Partnership to Individual Who Was Former Partner	R. J. Stembridge	4/ 8/80	80-00321
Probate Judges—Taxation—Deed Tax	John L. Beard	6/30/80	80-00434

DISTRICT ATTORNEY'S FUND

Burglar Alarm System Is Lawful Expenditure from District Attorney's Fund	Robert M. Field	4/ 8/80	80-00327

DISTRICT ATTORNEYS

District Attorneys—Contribution—District Attorneys Association	Joseph M. Carlton, Jr.	5/ 8/80	80-00341
District Attorneys—Courts—Nolle Prosequi	James D. Evans	6/19/80	80-00426

Subject	Addressee	Date	File
DISTRICT COURTS			
Twelve Month Residency Requirement—District Judges	James E. Farrior	6/30/80	80-00431
Courts—District Judges—Elections	Patricia M. Smith	6/30/80	80-00432
DISTRICT JUDGES			
Twelve Month Residency Requirement—District Judges	James E. Farrior	6/30/80	80-00431
Courts—District Judges—Elections	Patricia M. Smith	6/30/80	80-00432
DOCKET FEES			
Docket Fees Assessed—Appeal from Municipal to Circuit Court is Dismissed	Allen L. Tapley	6/11/80	80-00395
DOTHAN, CITY OF			
City of Dothan—City-Wide Referendum—Dog Leash Law	Wade H. Baxley	5/ 8/80	80-00347
DUAL OFFICEHOLDING			
Peace Officers Standards and Training Act—Law Enforcement Position—Constable	James Jackson	6/11/80	80-00417
— E —			
EDUCATION			
Snead Junior College—Operation as Community College or Technical College	Hinton Mitchem	4/10/80	80-00320
Education—Students—Minimum Age for Enrollment	A. R. McVay	5/12/80	80-00368

Boards of Education—Real Property—Sell, Lease, Dispose	H. L. Speake	5/14/80	80-00369
Out-of-State Travel for Employees of Ala. Institute for Deaf and Blind—Authorized by Its President	Jack Hawkins, Jr.	6/11/80	80-00389
EDUCATION, BOARDS OF			
Education—Students—Minimum Age for Enrollment	A. R. McVay	5/12/80	80-00368
Boards of Education—Real Property—Sell, Lease, Dispose	H. L. Speake	5/14/80	80-00369
Employees Entitled to Salary and Benefits for Each Position Held	Donald C. Finlayson	6/11/80	80-00400
ELECTIONS			
Registration of Voters—Deputy Registrars	Don Siegelman	4/ 8/80	80-00317
Jefferson County—Voter Registration—Cut-Off Period	Nell Hunter	5/12/80	80-00367
Ad Valorem Taxes Paid in County Where Property Located. Voter May Register Only in County of Residence	James E. Witherington	6/11/80	80-00390
Amendment 255 Alabama Constitution Ineffective Until Voting Rights Act of 1965 Complied With	Carl C. Brakefield	6/11/80	80-00398
Election—District Court Constable in Etowah County	Don Siegelman	6/11/80	80-00412
Discussion of Release of Information Pertaining to Registered Voters	Bobby Day	6/12/80	80-00419
St. Clair County—Fees—Probate Judges—Modified by Opinion No. 80-00486 Dated July 29, 1980	John Teague	6/12/80	80-00422

Subject	Addressee	Date	File
Polls In Jefferson County must be opened at 7:00 A.M. for Municipal Elections	Bobby R. Patrick	6/20/80	80-00428
Courts—District Judges—Elections	Patricia M. Smith	6/30/80	80-00432
Elections—Corporations—Corrupt Practices Act	Don Siegelman	6/30/80	80-00435
EMERGENCY FUNDING COUNCIL			
State Parks—Funds—Emergency Funding Council	Richard A. Forster	6/19/80	80-00427
EMPLOYEES, EMPLOYERS, EMPLOYMENT			
State Employee—Exempt Classification—Annual Leave	William W. Dillard, Jr.	4/ 8/80	80-00314
Shelby County Personnel Board—Law Enforcement Employees—Act 79-524	Thomas A. Snowden, Jr.	4/ 8/80	80-00319
Conditional Salary Increase of 7%—Applicable to Severance Benefits	Ryan DeGraffenried, Jr.	4/18/80	80-00337
Social Security Taxes—State Employees Whose Salaries Paid by Subdivision of State	Edwin A. Strickland	5/ 8/80	80-00349
Wilcox County Gas District—Retirement Systems	Hollis M. Curl	5/ 8/80	80-00351
Jury Commissioner's Spouse Cannot Serve as Secretary of Commission	Robert R. Armstrong	5/ 8/80	80-00356
Calhoun County—CETA Employees—Not Civil Service System Employees	Jim T. Boyd	6/11/80	80-00394
City of Gadsden—Employee—Retirement	Roger W. Kirby	6/11/80	80-00403
Dept. of Corrections Employees Not Entitled to Subsistence Allowance	R. G. Britton	6/11/80	80-00406

EMPLOYEES' RETIREMENT SYSTEM			
Wilcox County Gas District—Retirement Systems	Hollis M. Curl	5/ 8/80	80-00351
ETHICS LAW			
Jury Commissioner's Spouse Cannot Serve as Secretary of Commission	Robert R. Armstrong	5/ 8/80	80-00356
Sheriffs—Deputize Spouse of Deputy—Transport Female Prisoner	M. S. Butler	5/22/80	80-00378
ETOWAH COUNTY			
Election—District Court Constable in Etowah County	Don Siegelman	6/11/80	80-00412
EVIDENCE			
Destruction of Exhibits in Civil Cases—State Records Commission	S. A. Armistead	4/ 8/80	80-00329
EXEMPTIONS			
Single Building—Only One Classification—Ad Valorem Tax	C. D. Covington	5/14/80	80-00370
State Fair Property—Exempt—Ad Valorem Taxes	Ken Malone	5/22/80	80-00374
Ad Valorem Tax—Exemption—Eleemosynary Entity	James E. Witherington	5/22/80	80-00380
EXPENSE ALLOWANCE			
Tallapoosa County—Probate Judge—Expense Allowance	Ted D. Little	5/ 8/80	80-00348
Coosa County—Tax Collector—Probate Judge—Expense Allowance	Jasper Fielding	5/ 8/80	80-00352

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Judicial Article—Circuit Clerks—Expense Allowance	Gerald D. Parker	5/ 8/80	80-00354
Coosa County Commission Members May Receive Expense Allowance	Jasper Fielding	6/ 9/80	80-00385
District Court Bailiffs May Receive Expense Allowance	James G. Lee	6/11/80	80-00393
EXPENSES			
Benefits for Which Mayor/Superintendent of Utilities Eligible	Maurice C. West	6/30/80	80-00430
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FEES			
License Commissioner—Morgan County Fees	Cleon Yates	4/16/80	80-00339
Renewal Permits—Alabama Surface Mining Reclamation Act of 1975	Virgil Willett	4/18/80	80-00335
St. Clair County—Fees—Probate Judges—Modified by Opinion No. 80-00486 Dated July 29, 1980	John Teague	6/12/80	80-00422
FILING TAX			
Deed Tax—Transfer Property from Partnership to Individual Who Was Former Partner	R. J. Stembridge	4/ 8/80	80-00321
Uniform Commercial Code—Mortgages—Filing Tax	William B. Duncan	6/11/80	80-00391
FIRE DEPARTMENTS			
Firefighting Agencies—Training—Firefighters' Commission Regulations	Price E. Robinson	4/ 1/80	80-00310

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Fire Fighting Responsibilities of City of Gadsden Discussed	Roger W. Kirby	5/23/80	80-00375
FIREFIGHTERS' STANDARDS AND EDUCATION COMMISSION			
Firefighting Agencies—Training—Firefighters' Commission Regulations	Price E. Robinson	4/ 1/80	80-00310
FLOODS			
Greene County—Assist in Reducing Flood Damages	William M. Branch	6/11/80	80-00396
FORENSIC SCIENCES, DEPARTMENT OF			
Coroners—Investigations—Autopsy	Lesley Vance	4/ 8/80	80-00325
FORESTRY COMMISSION			
Forestry Commission—Motor Pool—State Vehicles	C. W. Moody	6/16/80	80-00424
FUNDS			
Industrial Relations Dept.—Acquire Real Estate—Construct Building	William J. Davis	4/ 8/80	80-00315
City of Dothan—City-Wide Referendum—Dog Leash Law	Wade H. Baxley	5/ 8/80	80-00347
Expenditure of Municipal Funds for Numerous Purposes Discussed	M. G. Temme	5/ 8/80	80-00358
County—Issue Warrants—Repair Highways—Gasoline Tax	H. B. Wise	5/30/80	80-00384
Greene County—Assist in Reducing Flood Damages	William M. Branch	6/11/80	80-00396

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Employees Entitled to Salary and Benefits for Each Position Held	Donald C. Finlayson	6/11/80	80-00400
Sale of County Property—Proceeds Deposited Marion County General Fund	Brady Baccus	6/11/80	80-00401
Municipality May Contribute Funds to Industrial Development Board	A. B. Robertson	6/11/80	80-00404
Armory Commission—Finance Construction of Armories	Henry H. Cobb, Jr.	6/11/80	80-00409
State Parks—Funds—Emergency Funding Council	Richard A. Forster	6/19/80	80-00427
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GADSDEN, CITY OF			
Fire Fighting Responsibilities of City of Gadsden Discussed	Roger W. Kirby	5/23/80	80-00375
City of Gadsden—Employee—Retirement	Roger W. Kirby	6/11/80	80-00403
GRANTS			
Water Improvement Commission—Administer EPA Construction Grant Program	James W. Warr	5/ 8/80	80-00345
Cooperative—Authority to Prepare Plans for Rural Water Development	Rufus C. Huffman	5/ 8/80	80-00355
GREENE COUNTY			
County Commissioner May Be Employed by Greene County Racing Commission	William M. Branch	5/ 8/80	80-00353
Greene County—Assist in Reducing Flood Damages	William M. Branch	6/11/80	80-00396

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HEALTH, COUNTY BOARDS OF			
County Board of Health—Regulations—Utilities—Sewage Facilities	Lynn Greer	5/ 8/80	80-00359
HIGHWAY DEPARTMENT			
Minimum Wages Under Public Works Contracts	Rex K. Rainer	6/10/80	80-00388
Highway Department—Minorities—Contracts—Bid Law	Rex K. Rainer	6/11/80	80-00410
HOMESTEAD EXEMPTION			
Residence Containing Business—Homestead Exemption	Marvin D. Driver	5/12/80	80-00364
HOSPITALS			
County Hospital Board—Lease Nursing Home Facility to Private Individual	Morgan Reynolds	6/ 9/80	80-00386
Hospital Board—Lease of Real Property—Conflict of Interest	Homer W. Cornett	6/11/80	80-00408
HUNTSVILLE, CITY OF			
City of Huntsville—Funding—Family Courts—Juvenile Detention	Charles H. Younger	4/ 8/80	80-00330

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INDICTMENT			
Circuit Clerks—Notify Defendants—Attend Court Proceedings	Parker Worthington	6/11/80	80-00415

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INDUSTRIAL DEVELOPMENT BOARDS			
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INDUSTRIAL RELATIONS DEPARTMENT			
Industrial Relations Dept—Acquire Real Estate—Construct Building	William J. Davis	4/ 8/80	80-00315
INSURANCE			
Employees Entitled to Salary and Benefits for Each Position Held	Donald C. Finlayson	6/11/80	80-00400
INVESTIGATIONS			
Coroners—Investigations—Autopsy	Lesley Vance	4/ 8/80	80-00325
Walker County Coroner—Duties and Responsibilities	Fred Burke	5/12/80	80-00366
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JEFFERSON COUNTY			
Polls in Jefferson County Must Be Opened at 7:00 A.M. for Municipal Elections	Bobby R. Patrick	6/20/80	80-00428
JUDGES			
Section 36-10-8, **Code of Alabama 1975,** Is Repealed	Tom F. Young	5/22/80	80-00382
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City of Huntsville—Funding—Family Courts—Juvenile Detention	Charles H. Younger	4/ 8/80	80-00330

Judicial Article—Circuit Clerks—Expense Allowance	Gerald D. Parker	5/ 8/80	80-00354
Election—District Court Constable in Etowah County	Don Siegelman	6/11/80	80-00412
JURY COMMISSION			
Jury Commissioner's Spouse Cannot Serve As Secretary of Commission	Robert R. Armstrong	5/ 8/80	80-00356
JUVENILES			
Juvenile Work Release Program in Hoover Discussed	John W. Hodnett, Jr.	4/ 8/80	80-00323
City of Huntsville—Funding—Family Courts—Juvenile Detention	Charles H. Younger	4/ 8/80	80-00330
Juveniles—Municipal Court—Contempt	R. C. Cheatham	4/16/80	80-00340
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LAW ENFORCEMENT			
FICA Tax—Subsistence Allowance—Law Enforcement Officers	McMillan Lane	4/ 1/80	80-00309
Shelby County Personnel Board—Law Enforcement Employees—Act 79-524	Thomas A. Snowden, Jr.	4/ 8/80	80-00319
Burglar Alarm System Is Lawful Expenditure From District Attorney's Fund	Robert M. Field	4/ 8/80	80-00327
Walker County Coroner—Duties and Responsibilities	Fred Burke	5/12/80	80-00366
Peace Officers Standards and Training Act—Law Enforcement Position—Constable	James Jackson	6/11/80	80-00417

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Boards of Education—Real Property—Sell, Lease, Dispose	H. L. Speake	5/14/80	80-00369
LEAVE, ANNUAL AND SICK			
State Employee—Exempt Classification—Annual Leave	William W. Dillard, Jr.	4/ 8/80	80-00314
LEGISLATORS			
A Legislator May Become a State Employee While in Office	Earl Mitchell	5/ 8/80	80-00360
LEGITIMATION			
Probate Courts—Legitimation Procedures	Leland Enzor	5/12/80	80-00365
LICENSE COMMISSIONERS			
License Commissioner—Morgan County—Fees	Cleon Yates	4/16/80	80-00339
LICENSES AND PERMITS			
Physical Therapy Board—Licenses	Robert S. Harden	4/ 9/80	80-00316
Renewal Permits—Alabama Surface Mining Reclamation Act of 1975	Virgil Willett	4/18/80	80-00335
Board of Examiners for Speech Pathology & Audiology—Licenses—Audiologists	Gerald L. Culton	5/ 8/80	80-00344
Social Work Examiners—Licenses	Lauris Gene Gandy	5/12/80	80-00363
Board of Barber Examiners—Sunset Law—Licenses	Reo Kirkland, Jr.	5/13/80	80-00371
City of Birmingham—Regulate Dancing—Private Clubs	Doug Cook	5/22/80	80-00373

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Increase Court Costs—Tuscaloosa County—Renovate Courthouse	Ryan DeGraffenried, Jr.	4/ 8/80	80-00324
Amendment 255 Alabama Constitution Ineffective Until Voting Rights Act of 1965 Complied With	Carl C. Brakefield	6/11/80	80-00398
LONGEVITY PAYMENTS			
Dept. of Corrections Employees Not Entitled to Subsistence Allowance	R. G. Britton	6/11/80	80-00406
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MARION COUNTY			
Sale of County Property—Proceeds Deposited Marion County General Fund	Brady Baccus	6/11/80	80-00401
MEDICAL CLINIC BOARDS			
County Commission May Not Contribute Public Funds to Medical Clinic Board	Donnie Thomas	6/11/80	80-00399
City may Loan Money to Medical Clinic Board for Purposes Stated	Robert M. Tyson, Jr.	6/12/80	80-00421
MEDICAL RECORDS			
Release of Information from Inmates Files and Medical Records	R. G. Britton	6/12/80	80-00423
MENTAL HEALTH			
Prisoners Committed to Mental Health Facility for Treatment Discussed	R. G. Britton	4/16/80	80-00332
Release of Prison Inmate Committed to Dept. of Mental Health	R. G. Britton	4/16/80	80-00333

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Armory Commission—Finance Construction of Armories	Henry H. Cobb, Jr.	6/11/80	80-00409
MONROE COUNTY			
Ad Valorem Taxes Paid in County Where Property Located. Voter May Register Only in County of Residence	James E. Witherington	6/11/80	80-00390
MONTGOMERY, CITY OF			
City of Montgomery—Amendment of Act 73-618 Discussed	Emory Folmar	5/19/80	80-00377
MORGAN COUNTY			
License Commissioner—Morgan County—Fees	Cleon Yates	4/16/80	80-00339
MORTGAGES			
Uniform Commercial Code—Mortgages—Filing Tax	William B. Duncan	6/11/80	80-00391
MOTOR POOL			
Forestry Commission—Motor Pool—State Vehicles	C. W. Moody	6/16/80	80-00424
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Sheriff's Vehicles—Repair Work Subject to County Purchasing Procedure	James Earl Johnson	5/ 8/80	80-00357
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Juveniles—Municipal Court—Contempt	R. C. Cheatham	4/16/80	80-00340

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Polls in Jefferson County Must Be Opened at 7:00 A.M. for Municipal Elections	Bobby R. Patrick	6/20/80	80-00428

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Municipalities—Utility Boards—Conflict of Interest	Gilbert R. Craft	4/ 1/80	80-00311
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Juvenile Work Release Program in Hoover Discussed	John W. Hodnett, Jr.	4/ 8/80	80-00323
Juveniles—Municipal Court—Contempt	R. C. Cheatham	4/16/80	80-00340
City Commissioner—Contract—Board of Education—Conflict of Interest	Wade H. Baxley	5/ 8/80	80-00346
City of Dothan—City-Wide Referendum—Dog Leash Law	Wade H. Baxley	5/ 8/80	80-00347
Town of Carbon Hill—Gas Board—Rates	William M. Collins	5/ 8/80	80-00350
Expenditure of Municipal Funds for Numerous Purposes Discussed	M. G. Temme	5/ 8/80	80-00358
City of Montgomery—Amendment of Act 73-618 Discussed	Emory Folmar	5/19/80	80-00377
City of Birmingham—Regulate Dancing—Private Clubs	Doug Cook	5/22/80	80-00373
Fire Fighting Responsibilities of City of Gadsden Discussed	Roger W. Kirby	5/23/80	80-00375
Contract Between Utility Board and Private Developer Discussed	S. Wayne Fuller	6/11/80	80-00402
City of Gadsden—Employee—Retirement	Roger W. Kirby	6/11/80	80-00403

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Municipal Planning Commission Member—Candidate for City Council	Earl Goodwin	6/11/80	80-00405
City May Not Contract with Insurance Agency Which Employs Councilmember as Manager	Murray C. Ballard	6/11/80	80-00407
Hospital Board—Lease of Real Property—Conflict of Interest	Homer W. Cornett	6/11/80	80-00408
City May Loan Money to Medical Clinic Board for Purposes Stated	Robert M. Tyson, Jr.	6/12/80	80-00421
Polls in Jefferson County Must be Opened at 7:00 A.M. for Municipal Elections	Bobby R. Patrick	6/20/80	80-00428
Benefits for Which Mayor/Superintendent of Utilities Eligible	Maurice C. West	6/30/80	80-00430
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District Attorneys—Courts—Nolle Prosequi	James D. Evans	6/19/80	80-00426
NURSING HOMES			
County Hospital Board—Lease Nursing Home Facility to Private Individual	Morgan Reynolds	6/ 9/80	80-00386
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OFFICES AND OFFICERS			
Payment Prohibited to Mayor and Council—Time Lost from Employment Attending Court Hearings	Clarence F. Rhea	4/ 8/80	80-00318

City Commissioner—Contract—Board of Education—Conflict of Interest	Wade H. Baxley	5/ 8/80	80-00346
A Legislator May Become a State Employee While in Office	Earl Mitchell	5/ 8/80	80-00360
City of Montgomery—Amendment of Act 73-618 Discussed	Emory Folmar	5/19/80	80-00377
Municipal Planning Commission Member—Candidate for City Council	Earl Goodwin	6/11/80	80-00405
City May Not Contract with Insurance Agency Which Employs Councilmember as Manager	Murray C. Ballard	6/11/80	80-00407
OPINIONS OVERRULED, MODIFIED OR WITHDRAWN			
Pro Rata Payments Should Be Made for Final Month of Retirant's Life	William C. Walsh	5/ 8/80	80-00342
County—Issue Warrants—Repair Highways—Gasoline Tax	H. B. Wise	5/30/80	80-00384
Calhoun County—CETA Employees—Not Civil Service System Employees	Jim T. Boyd	6/11/80	80-00394
St. Clair County—Fees—Probate Judges—Modified by Opinion No. 80-00486 Dated July 29, 1980	John Teague	6/12/80	80-00422
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Probate Courts—Legitimation Procedures	Leland Enzor	5/12/80	80-00365
PEACE OFFICERS STANDARDS & TRAINING COMMISSION			
Peace Officers Standards and Training Act—Law Enforcement Position—Constable	James Jackson	6/11/80	80-00417

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Fire Fighting Responsibilities of City of Gadsden Discussed	Roger W. Kirby	5/23/80	80-00375
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Corrections—Inmates' Files—Public Records	R. G. Britton	4/ 8/80	80-00312
Prisoners—Confiscation of Currency	R. G. Britton	4/ 8/80	80-00313
Board of Corrections—Expend Bond Proceeds—Act 1230, Regular Session 1975	Sid McDonald	4/15/80	80-00334
Prisoners Committed to Mental Health Facility for Treatment Discussed	R. G. Britton	4/16/80	80-00332
Release of Prison Inmate Committed to Dept. of Mental Health	R. G. Britton	4/16/80	80-00333
Department of Corrections may not Require Inmate to use prison as Return Address	R. G. Britton	6/ 9/80	80-00387
Release of Information from Inmates Files and Medical Records	R. G. Britton	6/12/80	80-00423
PRO RATA PAYMENTS			
Pro Rata Payments should be made for Final Month of Retirant's Life	William C. Walsh	5/ 8/80	80-00342

PROBATE COURTS			
Probate Courts—Legitimation Procedures	Leland Enzor	5/12/80	80-00365
PROBATE JUDGES			
Deed Tax—Transfer Property from Partnership to Individual Who was Former Partner	R. J. Stembridge	4/ 8/80	80-00321
Tallapoosa County—Probate Judge—Expense Allowance	Ted D. Little	5/ 8/80	80-00348
Coosa County—Tax Collector—Probate Judge—Expense Allowance	Jasper Fielding	5/ 8/80	80-00352
Uniform Commercial Code—Mortgages—Filing Tax	William B. Duncan	6/11/80	80-00391
Discussion of Release of Information Pertaining to Registered Voters	Bobby Day	6/12/80	80-00419
St. Clair County—Fees—Probate Judges—Modified by Opinion No. 80-00486 Dated July 29, 1980	John Teague	6/12/80	80-00422
Probate Judges—Taxation—Deed Tax	John L. Beard	6/30/80	80-00434
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District Attorneys—Contribution—District Attorneys Association	Joseph M. Carlton, Jr.	5/ 8/80	80-00341
PUBLIC RECORDS			
Corrections—Inmates' Files—Public Records	R. G. Britton	4/ 8/80	80-00312
Names and Voting Precincts of Registered Voters—Public Record	Don Siegelman	5/ 8/80	80-00343
Discussion of Release of Information Pertaining to Registered Voters	Bobby Day	6/12/80	80-00419

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Armory Commission—Finance Construction of Armories	Henry H. Cobb, Jr.	6/11/80	80-00409
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Tax Collectors—Ad Valorem—Reappraisal Program	Henry Rand	6/20/80	80-00429
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City of Dothan—City-Wide Referendum—Dog Leash Law	Wade H. Baxley	5/ 8/80	80-00347
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Registration of Voters—Deputy Registrars	Don Siegelman	4/ 8/80	80-00317
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City of Gadsden—Employee—Retirement	Roger W. Kirby	6/11/80	80-00403

RETIREMENT SYSTEMS			
Pro Rata Payments Should Be Made for Final Month of Retirant's Life	William C. Walsh	5/ 8/80	80-00342
Wilcox County Gas District—Retirement Systems	Hollis M. Curl	5/ 8/80	80-00351
ROADS, HIGHWAYS AND BRIDGES			
Colbert County—Accept Property for County Road System—Common Law Dedication	Bruce Gargis	5/19/80	80-00376
County—Issue Warrants—Repair Highways—Gasoline Tax	H. B. Wise	5/30/80	80-00384
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SAINT CLAIR COUNTY			
St. Clair County—Fees—Probate Judges—Modified by Opinion No. 80-00486 Dated July 29, 1980	John Teague	6/12/80	80-00422
SALES TAX			
Sales Tax—County Commission—Does Not Divest School Board Authority to Levy Ad Valorem Tax	I. Drayton Pruitt, Jr.	5/22/80	80-00379
SCHOOL LANDS			
Conservation—Sale of Timber from School Lands on Negotiated Basis	Richard A. Forster	6/11/80	80-00397
SELMA, CITY OF			
Municipal Planning Commission Member—Candidate for City Council	Earl Goodwin	6/11/80	80-00405

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Release of Prison Inmate Committed to Dept. of Mental Health	R. G. Britton	4/16/80	80-00333
SHELBY COUNTY			
Shelby County Personnel Board—Law Enforcement Employees—Act 79-524	Thomas A. Snowden, Jr.	4/ 8/80	80-00319
SHERIFFS			
Baldwin County Treasurer—Pay Raises—Sheriff's Dept. Employees	Neil Lauder	4/ 8/80	80-00328
Sheriff's Vehicles—Repair Work Subject to County Purchasing Procedure	James Earl Johnson	5/ 8/80	80-00357
Act 79-357—Supernumerary Sheriffs	Edward W. Enslen	5/ 8/80	80-00361
Sheriffs—Deputize Spouse of Deputy—Transport Female Prisoner	M. S. Butler	5/22/80	80-00378
SNEAD JUNIOR COLLEGE			
Snead Junior College—Operation as Community College or Technical College	Hinton Mitchem	4/10/80	80-00320
SOCIAL SECURITY TAXES			
FICA Tax—Subsistence Allowance—Law Enforcement Officers	McMillan Lane	4/ 1/80	80-00309
Social Security Taxes—State Employees Whose Salaries Paid by Subdivision of State	Edwin A. Strickland	5/ 8/80	80-00349
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Social Work Examiners—Licenses	Lauris Gene Gandy	5/12/80	80-00363

SOLID WASTE DISPOSAL			
County Board of Health—Regulations—Utilities—Sewage Facilities	Lynn Greer	5/ 8/80	80-00359
SPEECH PATHOLOGY & AUDIOLOGY, BOARD OF EXAMINERS			
Board of Examiners for Speech Pathology & Audiology—Licenses—Audiologists	Gerald L. Culton	5/ 8/80	80-00344
STATE DEPARTMENTS AND AGENCIES			
Payment of Delinquent Taxes on Property Acquired by State	McMillan Lane	4/16/80	80-00331
STATE EMPLOYEES			
State Employee—Exempt Classification—Annual Leave	William W. Dillard, Jr.	4/ 8/80	80-00314
Conditional Salary Increase of 7%—Applicable to Severance Benefits	Ryan DeGraffenried, Jr.	4/18/80	80-00337
A Legislator May Become a State Employee While in Office	Earl Mitchell	5/ 8/80	80-00360
Dept. of Corrections—Employees—Witness Fees	R. G. Britton	5/22/80	80-00372
STATE PARKS			
State Parks—Funds—Emergency Funding Council	Richard A. Forster	6/19/80	80-00427
STATE RECORDS COMMISSION			
Destruction of Exhibits in Civil Cases—State Records Commission	S. A. Armistead	4/ 8/80	80-00329
STATE VEHICLES			
Forestry Commission—Motor Pool—State Vehicles	C. W. Moody	6/16/80	80-00424

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Education—Students—Minimum Age for Enrollment	A. R. McVay	5/12/80	80-00368
SUBSISTENCE ALLOWANCE			
FICA Tax—Subsistence Allowance—Law Enforcement Officers	McMillan Lane	4/ 1/80	80-00309
Dept. of Corrections Employees not Entitled to Subsistence Allowance	R. G. Britton	6/11/80	80-00406
SUNSET LAW			
Board of Barber Examiners—Sunset Law—Licenses	Reo Kirkland, Jr.	5/13/80	80-00371
SUPERNUMERARY STATUS			
Act 79-357—Supernumerary Sheriffs	Edward W. Enslen	5/ 8/80	80-00361
SURFACE MINING RECLAMATION COMMISSION			
Renewal Permits—Alabama Surface Mining Reclamation Act of 1975	Virgil Willett	4/18/80	80-00335
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TAX COLLECTORS			
Coosa County—Tax Collector—Probate Judge—Expense Allowance	Jasper Fielding	5/ 8/80	80-00352
Tax Collectors—Ad Valorem—Reappraisal Program	Henry Rand	6/20/80	80-00429

TAXATION			
Deed Tax—Transfer Property from Partnership to Individual Who was Former Partner	R. J. Stembridge	4/ 8/80	80-00321
Payment of Delinquent Taxes on Property Acquired by State	McMillan Lane	4/16/80	80-00331
Residence Containing Business—Homestead Exemption	Marvin D. Driver	5/12/80	80-00364
Single Building—Only One Classification—Ad Valorem Tax	C. D. Covington	5/14/80	80-00370
State Fair Property—Exempt—Ad Valorem Taxes	Ken Malone	5/22/80	80-00374
Sales Tax—County Commission—Does Not Divest School Board Authority to Levy Ad Valorem Tax	I. Drayton Pruitt, Jr.	5/22/80	80-00379
Ad Valorem Tax—Exemption—Eleemosynary Entity	James E. Witherington	5/22/80	80-00380
Ad Valorem Taxes Paid in County Where Property Located. Voter May Register Only in County of Residence	James E. Witherington	6/11/80	80-00390
Purchaser in Possession of Land Under Executory Contract Is Owner of Land for Purpose of Taxation	Sara Sharpe	6/11/80	80-00418
Tax Collectors—Ad Valorem—Reappraisal Program	Henry Rand	6/20/80	80-00429
Probate Judges—Taxation—Deed Tax	John L. Beard	6/30/80	80-00434
TIMBER			
Conservation—Sale of Timber from School Lands on Negotiated Basis	Richard A. Forster	6/11/80	80-00397

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TRADE SCHOOLS AND JUNIOR COLLEGES			
Snead Junior College—Operation as Community College or Technical College	Hinton Mitchem	4/10/80	80-00320
TUSCALOOSA COUNTY			
Increase Court Costs—Tuscaloosa County—Renovate Courthouse	Ryan DeGraffenried, Jr.	4/ 8/80	80-00324
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WORK RELEASE			
Juvenile Work Release Program in Hoover Discussed	John W. Hodnett, Jr.	4/ 8/80	80-00323
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Board of Corrections—Expend Bond Proceeds—Act 1230, Regular Session 1975	Sid McDonald	4/15/80	80-00334
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ACT NO. 75-712			
Tallapoosa County—Probate Judge—Expense Allowance	Ted D. Little	5/ 8/80	80-00348
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Act 79-357—Supernumerary Sheriffs	Edward W. Enslen	5/ 8/80	80-00361

ACT NO. 79-485 Sales Tax—County Commission—Does Not Divest School Board Authority to Levy Ad Valorem Tax	I. Drayton Pruitt, Jr.	5/22/80	80-00379
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ACT NO. 79-724 Conditional Salary Increase of 7%—Applicable to Severance Benefits	Ryan DeGraffenried, Jr.	4/18/80	80-00337
ACT NO. 80-427 County—Issue Warrants—Repair Highways—Gasoline Tax	H. B. Wise	5/30/80	80-00384
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CODE OF ALABAMA 1975, SECTION 34-24-217 Physical Therapy Board—Licenses	Robert S. Harden	4/ 9/80	80-00316
CODE OF ALABAMA 1975, SECTION 36-10-08 Section 36-10-8, **Code of Alabama 1975,** Is Repealed	Tom F. Young	5/22/80	80-00382

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Social Security Taxes—State Employees Whose Salaries Paid by Subdivision of State	Edwin A. Strickland	5/ 8/80	80-00349
CODE OF ALABAMA 1975, SECTION 37-06-01			
Cooperative—Authority to Prepare Plans for Rural Water Development	Rufus C. Huffman	5/ 8/80	80-00355